

Commonwealth of Virginia

PRIVATE SECURITY SERVICES ADVISORY BOARD

October 5, 2004
Quarterly Meeting Minutes

Held at the Sheraton Oceanfront, Virginia Beach, Virginia

Call to Order:

At approximately 10:00 a.m., Chair Brent Fortner called the meeting to order for the Private Security Services Advisory Board (PSSAB)

Opening Remarks:

Chair Brent Fortner welcomed everyone to the conference and thanked everyone for their participation. Chair Fortner reminded everyone that there were two sign in sheets on the table outside the door, one for Attendance and one for Public Comments.

Chair Fortner welcomed and introduced Deputy Chief James A. Cervera from the Virginia Beach Police Department, a new Board Member.

Attendees:

Chair Brent Fortner, Vice Chair Kevin Hodges, Secretary Christopher DiMartino, Deborah Aylward, Deputy Chief James A. Cervera, Sean Creamer, Carl J. Fisher, Stephen Martin, Robert Shuster, Thomas Turner, Dennis VanDuzee and Mary Kay Wakefield.

Absent:

None

Recognition of Past Board Chair

Lt. Paul Midgett was to be recognized for his service to the Board. Lt. Midgett was not present.

Chair Fortner presented a plaque to Mary Kay Wakefield recognizing her diligent service as a member and then as Chair of the PSSAB from July 1, 2003 to June 30, 2004.

Approval of Minutes:

Minutes for the July 13, 2004, meeting were reviewed. A motion was made by Mary Kay Wakefield, seconded by Kevin Hodges, to approve the minutes. Minutes were unanimously approved.

DCJS Report:

Ms. Hahn, Section Chief discussed the Annual Report, a copy of which was available for all attendees of the conference. Additionally, Ms. Hahn reported on the following Private Security Services Section Initiatives.

Initiatives:

Hanover County will be the first locality in the Commonwealth to include Private Security Businesses and Training Schools located in their county in a Homeland Security effort called the *City Watch Program*. Burt Walker and Lisa Hahn sat down with Hanover County and gave them the contact information so that the Private Security Business and Schools in their county can be recipients of information on Homeland Security Threat Level.

All other initiatives are listed in detail in the Annual Report.

Committee Reports:

Training Committee

Mr. Martin reported that the next meeting of the Training Committee would be sometime in December 2004 prior to the next Board meeting.

Commonwealth Preparedness

Sean Creamer, chair of the committee reported that Jim Rowe has accepted the position as Vice Chair of the Commonwealth Preparedness Committee. Another new member of the committee is Mr. Clarence Ogborn, retired military and retired from the CIA where he was in Threat Analysis.

Mr. Creamer attended a School Resource Officer Conference where he met with trainers, educators, several police chiefs and other ranking officers and officials who were very impressed with the steps being taken to enhance the standing of the Private Security Services Industry and availability to be active participants in Commonwealth Preparedness.

Mr. Creamer met with Deputy Cody Lamb, York County Sheriff's Department. Mr. Lamb is the lead trainer for their Homeland Security Taskforce. Mr. Lamb will be speaking with us at our next committee meeting.

Mr. Creamer also spoke with Major Harry Bradbury, Department of Fish and Games discussing how their agency's Homeland Security goals and plans and how Private Security could interact with their people.

One of the major threats currently is gang activity. They are becoming larger, more organized and linked with organized criminal elements. Gangs have become more violent and have been linked to supplying terrorist activities both here and abroad. The next meeting will be announced later.

The field of Homeland Security has expanded vastly and rapidly. Since 9/11 college degree have been offered in this field. The committee welcomes any information, concerns, and ideas or offers to join this committee from the industry.

Legislative Committee

Kevin Hodges reported that at the last Board meeting July 13, 2004, the committee passed out some procedures that they would like to have added to Procedures Manual regarding

legislative issues. The procedures states that the committee will be a legislative liaison committee, addressing how the committee will react to legislative issues and establishes the fact that we are an advisory board and as such our role with legislative issues and how the Board acts with the industry, with associations and interacts with the General Assembly. The industry was asked to discuss the issues; there has been no discussion so Mr. Hodges moved for a motion to add this procedure to the Procedures Manual.

Mary Kay Wakefield moved the Board accept the procedure for the Procedures Manual, Carl Fisher seconded the motion.

Deborah Aylward noted a correction to change the word “of” in the first sentence, third line, after *industry members* to “or.”

Motion passed unanimously.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Deborah Aylward advised about proposed identity theft protection legislation that seeks to prohibit commercial access to the unique personal identifiers such as social security numbers used for legitimate business purposes.

Fact sheets detailing the industry position were presented to Congress and distributed to member of PSSAB. The industry professionals need to unite and rise to meet the many challenges information access presents.

Ms. Aylward requested that the members of the PSSAB support investigative professionals as they face this endeavor.

Burt Walker reported that in our continuing effort to educate the general public about Private Security Services, we are developing brochures to distribute. One problem we ran into was that we don’t have any really good pictures or photographs of Private Security Services in action and we want to include some in brochures and also use some in a video we hope to develop. Please send photographs on all facets of Private Security Services to DCJS. We must have a release signed by the individual(s) in the photograph(s), attached to the photographs. If you send a special photograph and the business or photographer wants credit for it, this can be arranged.

Mr. Walker is forming a workgroup for Detector Canine training and qualifications in order to develop the regulations we need for the training and qualification segments for the Detector Dog Program. Volunteer wanted on the committee are people experienced and qualified in explosive and narcotic detector dogs so we can develop the proper regulation we need to regulate this segment of the industry.

Next year DCJS will begin regulating the Bail Bondsmen and Bail Enforcement Agents Programs. Lisa McGee will be organizing the workgroups for developing those two programs. If interested in participating, please contact Lisa McGee.

Raymond C. Ferrara, a registered armed security officer, a general instructor and an auxiliary police officer in James City County spoke on training high school students so that when they graduate, if 18, they are qualified to be registered as unarmed security officers.

Throughout Virginia there are approximately 20 Career High Schools that have programs in Criminal Justice. The program consists of 540 contact hours in all aspects of law enforcement. The students come out ready and looking for employment in the private security industry.

As we look at the initiatives with Homeland Security, the private security industry is the forefront of where we are going with the defense of our nation.

Currently the curriculum is in review. More of the private security requirements are being incorporated. On October 27, 2004, we will have the final review. Currently there are programs in Virginia Beach, Norfolk, Richmond, Fairfax and several in Southwest Virginia.

All students are AED, CPR, and first aid trained and qualified. The teachers are very excited about the program. Those involved in the program feel the program is training some quality people to offer to the private security industry, who are ready to work. The course gives the student three (3) verified high school credits and eight (8) college credits.

The next PSSAB meeting is scheduled for December 15, 2004, location to be determined and will be posted on the DCJS web page.

Harold McCann Award:

Mr. Martin presented the Harold McCann Award to Major E. Thomas Hudgins.

Mr. Hudgins thanked the Board and industry for the recognition.

Public Comment:

None

Adjournment:

There being no further business before the Board, the meeting was adjourned.

Public Attendees:

There were 200 attendees for the conference, 45 signed in for the PSSAB meeting.

Section 4 – Procedures of Committees

E. Legislative Issues

Any matters relating to legislative issues should be brought to the attention of the Private Security Advisor Board (PSSAB) by either the Department of Criminal Justice Services, Private Security Section, and/or Private Security industry members or associations. The Advisory Board's role in these matters is the same as found in the Code of Virginia, § 9.1-143;

“The Private Security Services Advisory Board is established as an advisory board within the meaning of § 2.202100, in the executive branch of state government. . .The Private Security Services Advisory Board shall be appointed by the Criminal Justice Services Board and shall advise the Criminal Justice Services Board on all issues relating to regulation of private security services businesses.”

The PSSAB recognizes the need for a legislative liaison committee to complete its role in advising the Department of Criminal Justice Services, industry members, and the associations. Therefore, the PSSAB Chair will appoint no less than one PSSAB member to serve in this manner. The liaison committee shall attempt to attend all industry/association meetings regarding pending legislation involving private security services. The liaison committee shall not initiate nor facilitate legislative meetings. The liaison committee shall present suggested changes to the PSSAB. The measure(s) will then be voted upon to either endorse or oppose.

It will be the responsibility of the association or industry individual to obtain a patron for legislative action. No member of the PSSAB, acting on behalf of the PSSAB, shall seek to obtain a patron for legislative action. No member, acting on behalf of the PSSAB shall lobby or address the General Assembly on pending legislative action unless approved by the PSSAB Chairperson and the Department of Criminal Justice Services.

It is in the best interests of the Advisory Board, the Department, and the private security industry/associations, to ensure that any legislative recommendations are presented to the General Assembly in a cohesive, professional, and respectful manner. Any person(s) of the private security industry that do lobby should understand that their efforts and representation is a reflection of the industry and its members and they should conduct themselves accordingly.

Presented by: The Private Investigators Association of Virginia, Inc.

H.R. 2971 and S. 2801: The Social Security Number and Identity Theft Prevention Act

Identity theft is a growing problem and Congress is commended for attempting to address it. This legislation, however well intentioned, would have some significant unintended negative effects in Virginia and throughout the United States. Provisions that limit the public display of Social Security Numbers (SSNs) and establish penalties for those who misuse personal identifying information are important steps in the fight against identity theft. Other aspects of these bills, however, would result in the adverse consequences for the judicial system, private security services, homeland security, employment and government agency administration.

Although access to credit header and SSN information by the general public should be restricted, this legislation would also eliminate collection of unique personal identifiers by information providers and access to this critical data by credentialed private security professionals. Private security and investigation professionals use this data for a number of purposes beneficial to the public, including location of witnesses for civil and criminal cases, due diligence, service of due process, finding heirs, obtaining child support, preventing fraud, and assisting victims of identity theft. Sections of these bills would effectively deny access to legitimate users of this data.

Private security services personnel number in excess of 60,000 in the Commonwealth and are regulated by the Department of Criminal Justice Services (DCJS). Officials, agencies and appointees recognizing private security services' many contributions to public safety include: the Department of Public Safety, the Criminal Justice Services Board, the Office of Commonwealth Preparedness, the Private Security Services Advisory Board, and the Office of the Governor.

Private security businesses provide vital legal support services for our judicial system, such as information research, obtaining evidence and providing service of due process critical to fair proceedings. The most frequent users of unique personal identifiers (to include social security numbers) are private investigators meeting strict DCJS training and education requirements both initially and on a continuing basis. Private investigators must comply with fingerprint submission requirements and local and federal background checks. Further, registered private investigators may only work under the supervision of companies licensed by DCJS to perform investigations. These private security companies must maintain liability insurance and meet compliance agent requirements that provide further safeguards to members of the general public.

In many ways, the Commonwealth of Virginia can serve as a model for a system to ensure the integrity and qualifications of individuals credentialed for legitimate access to credit header and SSN data. Federal limitations on access to this data should permit an exemption for appropriately credentialed individuals and businesses.

Congress should act to fight identity fraud. H.R. 2971 and S. 2801, however, would create more harm than good. Given the limited number of legislative days remaining in the 108th Congress, we do not believe there is time to consider appropriate fixes for these bills, and therefore urge opposition to these bills in their entirety.

We urge Congress to develop and promulgate balanced and well-developed legislation to assist in the fight against identity theft without the severe negative impacts of H. R. 2971 and S. 2801. We stand ready to assist you during the 109th session in the development of such legislation based on the experience of our industry in the Commonwealth of Virginia.